

City Council Introduction: **Monday**, February 7, 2005  
Public Hearing: **Monday**, February 14, 2005, at **1:30 p.m.**

Bill No. 05-17

## **FACTSHEET**

**TITLE:** CHANGE OF ZONE NO. 04011, from AG Agricultural District to R-3 Residential District and H-4 General Commercial District, requested by Brian D. Carstens & Associates on behalf of Scott Anderson, on property generally located south of Leighton Avenue and east of N. 84<sup>th</sup> Street.

**STAFF RECOMMENDATION:** Approval

**ASSOCIATED REQUESTS:** Annexation No. 04002 (05-16); Annexation Agreement (05R-30); and Special Permit No. 04009, Anderson's Place Planned Service Commercial Center (05R-31).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 06/23/04  
Administrative Action: 06/23/04

**RECOMMENDATION:** Approval (9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor voting 'yes').

### **FINDINGS OF FACT:**

1. This change of zone request and the associated Annexation No. 04002, Special Permit No. 04009 and Preliminary Plat No. 04007 were heard at the same time before the Planning Commission.
2. This proposal is a request to develop forty residential lots and six commercial lots containing approximately 86,120 sq. ft. of Planned Service Commercial, generally located south of Leighton Avenue and east of N. 84<sup>th</sup> Street. The change of zone from AG to H-4 consists of approximately eleven acres, more or less, and the change of zone from AG to R-3 consists of approximately nine acres, more or less.
3. The staff recommendation to approve the change of zone request is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed change of zone and associated requests are in conformance with the Comprehensive Plan.
4. On June 23, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On June 23, 2004, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval of the change of zone request.
6. On June 23, 2004, the Planning Commission also voted 9-0 to recommend approval of the associated annexation, subject to an annexation agreement, and conditional approval of the Planned Service Commercial special permit.
7. On June 23, 2004, the Planning Commission also voted 9-0 to adopt Resolution No. PC-00880 approving the associated Anderson's Place Preliminary Plat containing forty residential lots and six commercial lots.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** January 31, 2005

**REVIEWED BY:** \_\_\_\_\_

**DATE:** January 31, 2005

**REFERENCE NUMBER:** FS\CC\2005\CZ.04011

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 23, 2004 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**P.A.S.:** Annexation #04002, **Change of Zone #04011**, Special Permit #04009

**PROPOSAL:** To annex approximately 20 acres, change the zone from AG to R-3 and H-4 and obtain a special permit for 86,120 square feet in floor area for planned service commercial

**LOCATION:** Generally located south of Leighton Avenue and east of N. 84<sup>th</sup> Street.

## **WAIVER REQUEST:**

### **Special Permit:**

Front yard setback from 50'-40' for Lot 4, Block 1  
Side yard setback from 50'-20' for Lots 4 and 5, Block 1  
Internal side yard setback from 20' to 0' for Lots 1-4, Block 1

<b>LAND AREA:</b>	Annexation	20 acres, more or less.
	Change of Zone from AG to H-4:	11 acres, more or less.
	Change of Zone from AG to R-3:	9 acres, more or less.
	Special Permit:	11 acres, more or less.

**CONCLUSION:** This request is in conformance with the Comprehensive Plan.

## **RECOMMENDATION:**

Annexation:

**Change of Zone** from AG to R-3 and H-4:

**Special Permit:**

Front yard setback from 50'-40' for Lot 4, Block 1

Side yard setback from 50'-20' for Lots 4 and 5, Block 1

Internal side yard setback from 20' to 0' for Lots 1-4, Block 1

**Conditional Approval**

Conditional Approval

**Approval**

Conditional Approval

Approval

Approval

Approval

## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING ZONING:** AG, Agriculture.

**EXISTING LAND USE:** Undeveloped.

**SURROUNDING LAND USE AND ZONING:**

North:	Undeveloped, residential	R-3 Residential
South:	Residential, church, undeveloped	B-2 Planned Neighborhood business, O-3 Office Park, R-4
East:	Acreage, farm	AG, Agricultural
West:	LES substation, undeveloped	P Public, H-4 Commercial

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is indicated as commercial and urban residential in the Comprehensive Plan (F-25).

This area is shown within the Tier 1 - Priority A growth boundary. (F 27, F 31)

Guiding Principles for the Urban Environment include maximizing “present infrastructure investment by planning for residential and commercial development in areas with available capacity.” And by “encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods.” (F-17)

“Transition of uses; less intense office uses near residential areas” (F 42)

“Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population” (F-18).

“Construction and renovation within the existing urban area should be compatible with the character of the surrounding neighborhood” (F 18).

“Encourage a mix of housing types, single family, townhomes, apartments, elderly housing all within one area; Similar housing types face each other: single family faces single family, change to different use at rear of lot; Parks and open space within walking distance of all residences; Multi-family and elderly housing nearest to commercial area; Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads; Public uses (elementary schools, churches) as centers of neighborhood – shared facilities (city parks & school sites)”. (F-67)

“Encourage a mix of housing types, including single family, duplex, attached single family units, apartments, and elderly housing all within one area. Encourage multi-family near commercial areas” (F 69).

“Require new development to be compatible with character of neighborhood and adjacent uses” (F 69).

**HISTORY:**

Date when preliminary plat was submitted:	February 17, 2004
Date when Planning Director’s letter was sent:	March 15, 2004
Date when revised preliminary plat was submitted:	May 24, 2004

This area was zoned AG, Agricultural during the **1979** zoning update from A-A, Rural and Public Use district.

**UTILITIES:** Utilities will be extended by the developer. This development is required to pay a sewer connection fee for connection as required by the Regent Heights Sewer agreement.

A water connection fee is required to connect to the existing 16" water main in Leighton Avenue. The amount of the fee is based on one half the cost of an 8" water main for the portion of the main that abuts commercial uses and one half the cost of a 6" water main for the portion of the main that abuts residential uses.

**TRAFFIC ANALYSIS:** N. 84<sup>th</sup> Street is classified as an arterial and Leighton Avenue is a collector street. Leighton Avenue is an existing two lane gravel road. The Subdivision Ordinance requires all roads abutting a subdivision to be paved.

Garland and Colby Streets must be extended to the east when the east property develops and temporary barricades shall be placed until such time as the streets are extended.

A trail is indicated along N. 84<sup>th</sup> Street and a trail easement was shown to be constructed in the future through the Prairie Village Community Unit Plan north of this area.

**PUBLIC SERVICE:** Fire service will be provided by the Fire Station #5 located at 3640 Touzalin Avenue, approximately 3 miles from this site. The Fire Department indicated their concern regarding limited resources and fire stations in the area and their limited ability to provide timely fire and rescue service.

**AESTHETIC CONSIDERATIONS:** The grade of the area shown for storage units is lower than the right of way for N. 84<sup>th</sup> Street. Planning staff believes an added evergreen screen will enhance the appearance of the storage units, since they are proposed to be closer to the street than typically allowed. Planning staff does not object to the front yard setback waiver as long as additional screening is provided along the west property line

### **ANALYSIS:**

1. This is a request to annex 20 acres, change the zone from AG, Agriculture to R-3, Residential and H-4, Commercial and obtain a special permit for Planned Service Commercial for 86,120 square feet of floor area.
2. This lot is contiguous to the existing city limits and within the future service area and may be annexed. An annexation agreement must be signed prior to scheduling this item on the City Council agenda.
3. This area is shown as urban residential and commercial in the Comprehensive Plan. The zoning request is consistent with the Comprehensive Plan.
4. The commercial floor area ratio is approximately 0.20. The Comprehensive Plan assumes a 0.25 floor area ratio, therefor this request is within an acceptable range and could be increased to increase the use of existing infrastructure.
5. The applicant requests to waive the front yard setback in the special permit along N. 84<sup>th</sup> Street. Due to the existing overhead power line and 80' easement, planning staff

believes this is reasonable provided the applicant provides additional evergreen screening. Additionally, the applicant requests to waive internal setbacks and the setback abutting the commercial district to the south. Both of these requests are acceptable.

6. The Lincoln Lancaster County Health Department indicated several comments related to noise pollution which are indicated in their attached comments.

Prepared by:

Becky Horner  
441-6373, [rhorer@ci.lincoln.ne.us](mailto:rhorer@ci.lincoln.ne.us)  
Planner

**DATE:** June 8, 2004

**APPLICANT:** Brian D. Carstens and Associates  
601 Old Cheney Road, Suite C  
Lincoln, NE 68512  
(402)434-2424

**OWNER:** Scott Anderson  
PO Box 30842  
Lincoln, NE 68503

**CONTACT:** Brian D. Carstens and Associates

**ANNEXATION NO. 04002  
CHANGE OF ZONE NO. 04011  
SPECIAL PERMIT NO. 04009, ANDERSON'S PLACE**

**CONSENT AGENDA**

**PUBLIC HEARING & ADMINISTRATIVE ACTION**

**BEFORE PLANNING COMMISSION:**

June 23, 2004

Members present: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 04039; SPECIAL PERMIT NO. 2046A; USE PERMIT NO. 150A; SPECIAL PERMIT NO. 04030; SPECIAL PERMIT NO. 04031; COUNTY FINAL PLAT NO. 04060, HILLTOP ESTATES 2<sup>ND</sup> ADDITION; COUNTY FINAL PLAT NO. 04062, THE PRESERVE AT CROSS CREEK 1<sup>ST</sup> ADDITION; ANNEXATION NO. 04002; CHANGE OF ZONE NO. 04011; SPECIAL PERMIT NO. 04009; and PRELIMINARY PLAT NO. 04007, ANDERSON'S PLACE.**

**Item No. 1.1a, Change of Zone No. 04039; Item No. 1.1b, Special Permit No. 0246A; Item No. 1.1c, Use Permit No. 150A; and Item No. 1.5, County Final Plat No. 04062,** were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Krieser and carried 9-0: Carlson, Carroll, Krieser, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor voting 'yes'.

This is final action on Special Permit No. 04030, Special Permit No. 04031 and the Anderson's Place Preliminary Plat No. 04007, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2002 aerial

## Change of Zone #04011 N. 84th & Leighton

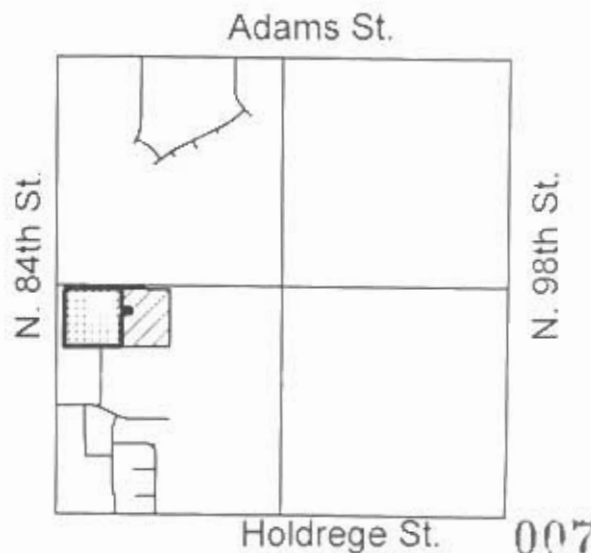
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 14 T10N R7E



Zoning Jurisdiction Lines  
City Limit Jurisdiction



# ANDERSON'S PLACE

## CHANGE OF ZONE FROM 'AG' TO 'H-4' & SPECIAL PERMIT

A portion of Lot 100 Irregular Tracts, located in the Southwest Quarter of Section 14 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More particularly described by metes and bounds as follows:

Commencing at the West 1/4 Corner of Section 14 Township 10 North Range 7 East of the Sixth P.M.; Thence South 89°24'54" East, (an assumed bearing) on the North line of the Southwest Quarter, a distance of 1326.42 feet to a found 5/8" Rebar for the North 1/16 Corner of the Southwest Quarter; Thence South 00°02'38" west, on the West line of Lot 10 I.T. extended, a distance of 33.00 feet, to the Northwest corner of Lot 10 I.T.; Thence along the north line of said Lot 10 I.T. North 89°24'55" West, for a distance of 560.58 feet and the POINT OF BEGINNING; Thence South 00°35'05" West, a distance of 234.50 feet; Thence South 89°24'55" East, a distance of 110.00 feet; Thence South 00°35'05" West, a distance of 49.00 feet; Thence North 89°24'55" West, a distance of 110.00 feet; Thence South 00°35'05" West, a distance of 398.61 feet; Thence South 89°57'47" West, on the North line of said addition, a distance of 668.35 feet, to the Northwest Corner of Morning Glory Estates Addition, said point being on the East Right of Way of North 84th Street; Thence North 00°02'13" West on the East Right of Way of North 84th Street, a distance of 105.38 feet; Thence North 00°59'41" West, on said right of Way, a distance of 299.12 feet; Thence North 00°02'13" West, on the East Right of Way of North 84th Street, a distance of 245.00 feet; Thence North 26°39'06" East, on the Southeasterly right of way of North 84th Street, a distance of 44.53 feet, to a point on the South right of way of Leighton Avenue; Thence South 89°24'55" East, on said South right of way, a distance of 660.79 feet to the POINT OF BEGINNING, and containing a calculated area of 468,020.91 square feet or 10.74 acres more or less.

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# ANDERSON'S PLACE

## CHANGE OF ZONE FROM 'AG' TO 'R-3'

A portion of Lot 100 Irregular Tracts, located in the Southwest Quarter of Section 14 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More particularly described by metes and bounds as follows:

Commencing at the West 1/4 Corner of Section 14 Township 10 North Range 7 East of the Sixth P.M.; Thence South 89°24'54" East, (an assumed bearing) on the North line of the Southwest Quarter, a distance of 1326.42 feet to a found 5/8" Rebar for the North 1/16 Corner of the Southwest Quarter; Thence South 00°02'38" west, on the West line of Lot 10 I.T. extended, a distance of 33.00 feet, to the Northwest corner of Lot 10 I.T. and the POINT OF BEGINNING; Thence continuing on the Previous bearing of South 00°02'38" West, on the East line of Said Lot 100 I.T., a distance of 675.99 Feet, to the Northeast Corner of Morning Glory Estates Addition; Thence South 89°57'47" West, on the North line of said addition, a distance of 566.99 feet; Thence North 00°35'05" East, a distance of 398.61 feet; Thence South 89°24'55" East, a distance of 110.00 feet; Thence North 00°35'05" East, a distance of 49.00 feet; Thence North 89°24'55" West, a distance of 110.00 feet; Thence North 00°35'05" East, a distance of 234.50 feet, to a point on the South right of way of Leighton Avenue; Thence South 89°24'55" East, on said South right of way, a distance of 560.58 feet to the POINT OF BEGINNING, and containing a calculated area of 377,435.58 square feet or 8.66 acres more or less.

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